

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
HEALTH COALITION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-cv-11816-MEL
	)	
NEW ENGLAND ALLERGY ASTHMA	)	
IMMUNOLOGY & PRIMARY CARE,	)	
P.C. and THOMAS F. JOHNSON,	)	
	)	
Defendants.	)	
_____	)	

OBJECTION OF NEW ENGLAND ALLERGY ASTHMA IMMUNOLOGY  
& PRIMARY CARE, P.C. TO PROPOSED ORDER ON  
PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT AGREEMENT

The Defendant New England Allergy Asthma Immunology & Primary Care, P.C. ("NEA") objects to the Motion of Health Coalition, Inc. to Enter Proposed Order on Plaintiff's Motion to Enforce Settlement Agreement. In support of its objection, NEA states the following:

1. NEA has agreed to seek necessary relief in the state superior court on or before September 25, 2006. NEA does not agree to the terms of the Joint Motion unilaterally drafted by counsel for Health Coalition, Inc. ("HCI") and objects to the entry of any order which compels its counsel to sign on to pleadings which he has not drafted and does not agree with. HCI's proposed settlement documentation includes documents which require the signature of third parties. Those third parties have not agreed to execute those documents and that fact must be made evident as part of the pleadings.

2. In addition to the claims by HCI, NEA is also in the process of compromising several addition claims and wished to incorporate the necessary relief for those claims in the

context of any motion filed in superior court should that become necessary. NEA believes an order which simply states that “New England Allergy Asthma Immunology & Primary Care, P.C. shall move no later than September 25, 2006 for an order seeking relief from the temporary restraining order entered by the superior court of the Commonwealth of Massachusetts in an action styled Atlantic Biologicals Corporation v. New England Allergy Asthma Immunology & Primary Care, P.C., et al” sufficiently states the intent of the parties and the Court at the conference on September 11, 2006.

Wherefore, NEA prays that the Court deny the Motion of Health Coalition, Inc. and grant such other and further relief as is just.

NEW ENGLAND ALLERGY ASTHMA  
IMMUNOLOGY & PRIMARY CARE, P.C

By its attorneys,

/s/ Peter J. Haley

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Dated: September 14, 2006